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# RIGHTS OF THE CHILD

## Written statement submitted by the Friends World Committee for Consultation (Quakers), a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1996/31.

[5 February 1999]

GE.99-11240 (E)

## Child soldiers

1. Written statement by Friends World Committee for Consultation (Quakers), an international non-governmental organization in special consultative status with the Economic and Social Council, on behalf of the Coalition to Stop the Use of Child Soldiers (whose steering committee consists of Amnesty International, Defence for Children International, Human Rights Watch, International Federation Terre des Hommes, Jesuit Refugee Service, Quaker United Nations Office, Geneva, and Rädda Barnen (on behalf of the International Save the Children Alliance).

2. The Coalition to Stop the Use of Child Soldiers welcomes the decision of the working group on a draft optional protocol to the Convention on the Rights of the Child on the involvement of children in armed conflicts, at its meeting on 11 January 1999, to recommend to the Commission on Human Rights that the mandate for broad informal consultations by the Chair be continued for a further year. The Coalition urges the Commission to endorse this recommendation.

3. The Coalition is concerned that the Chair's consultations should include all interested parties, not only Governments, and should be conducted in a manner designed to ensure that all parties are able to participate. In so far as these consultations result in the Chair bringing forward a new text of a draft optional protocol, this text should form the basis for any further negotiations in the working group.

4. At the same time, the substance of the consultations needs to take into account that the purpose of the exercise is not to produce a consensus. The purpose of the optional protocol is to establish new standards to protect children from becoming involved in armed conflicts. Its character as an optional protocol clearly establishes that those Governments unable or unwilling to meet the standards set are not bound by its provisions nor obliged to become parties to it. As clearly stated by the United Nations High Commissioner for Human Rights, Mary Robinson, to the fourth session of the working group, national legislation should not be presented as an obstacle to the elaboration of more advanced international standards, especially bearing in mind the optional character of the proposed protocol.

5. The adoption of the Statute of the International Criminal Court (Rome, July 1998) establishing individual criminal responsibility for the recruitment or use in hostilities of children under the age of 15 in both international and non-international armed conflicts, whether the recruitment or use was on behalf of a Government or an armed group, is a major step forward in ensuring the implementation of existing standards. All States should be urged to ratify this Statute as soon as possible in order to bring it into force and to provide the maximum scope for the prosecution of these crimes.

6. At the same time, this new and potentially highly effective tool to address the enforcement of existing standards, as well as the work of the Special Representative of the Secretary-General on the impact of armed conflict on children and others, means that the optional protocol need not be hostage to the perception that it should be adopted as soon as possible even if the standards are only a slight improvement on existing ones. On the contrary, the protocol should reflect the true protection needs of children as supported by a growing body of Governments who have changed their recruitment

laws and practices to ensure exclusion of under-18s from the armed forces, the increasing number of ratifications of the African Charter on the Rights and Welfare of the Child (which specifies the minimum age for recruitment and participation as 18 years), the decision of the United Nations Secretary-General that henceforth no United Nations peacekeepers should be under 18, and preferably not under 21 years, and public opinion, as witnessed by, for example:

(a) The public statement on child soldiers adopted by the Eighth Assembly of the World Council of Churches, held in Harare, Zimbabwe, from 3 to 14 December 1998, in which it called, inter alia, for an immediate moratorium on the recruitment and participation of children as soldiers, the demobilization of existing child soldiers and the adoption of an optional protocol to the Convention on the Rights of the Child raising the minimum age from 15 to 18 years for all forms of recruitment and participation in hostilities;

(b) The resolution of the European Parliament (B4-1078 of 17 December 1998) which, inter alia, states that a "protocol to the international Convention on the Rights of the Child should urgently be adopted which bans the recruitment of children under 18 and their participation in armed conflicts, and calls on the European Union to support international initiatives to this end and to adopt the same laws in their own countries;" and "calls on the Council to agree a Joint Action in order to promote the adoption of this optional protocol and make the fight against the use of child soldiers part of the Union's policy";

(c) The resolution of the United States Congress, attached to the United States Department of Defence Appropriations Act for Fiscal Year 1999, stating that "It is the sense of the Congress that the President and the Secretary of State should ... (2) not block efforts to establish 18 as the minimum age for participation in conflict through an optional protocol to the Convention on the Rights of the Child";

(d) The resolution of the Committee on the Rights of the Child (October 1998), which reiterates the need for an optional protocol "to raise the minimum age for mandatory recruitment or voluntary enlistment of children into armed forces, and for direct or indirect involvement of children in hostilities, to 18 years".

7. The Coalition to Stop the Use of Child Soldiers not only welcomes all these initiatives and steps forward, but plans to reinforce them through its own activities in the course of the coming year, in particular the continued development of new national coalitions and of links with existing national coalitions and non-governmental organizations working on the issue of child soldiers.

8. In addition, the Coalition is planning three major regional conferences on child soldiers during 1999, for Africa (Maputo, Mozambique, 19-22 April), for Latin America (Montevideo, Uruguay, in July) and for Asia (place and date to be confirmed). The objectives of the conferences are to promote the adoption and implementation of national standards prohibiting the recruitment and use of children under 18 years (and in the case of the African conference, the ratification of the African Charter on the Rights and Welfare of the Child), to consider local experiences and lessons learned in preventing the

recruitment of children and in the demobilization, rehabilitation and social reintegration of child soldiers; to examine ways and means of ensuring respect for standards by armed opposition groups; and to promote the adoption of an optional protocol to the Convention on the Rights of the Child prohibiting the recruitment and use of persons under the age of 18 as soldiers.

9. Friends World Committee for Consultation (Quakers) and the Coalition to Stop the Use of Child Soldiers, therefore, urge the Commission on Human Rights to:

(i) Renew the mandate for broad informal consultations to be undertaken by the Chair of the working group on the draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts;

(ii) To accept any text of a draft optional protocol produced by the Chair as a result of her consultations as the basis for any further negotiations on the protocol by the working group;

(iii) To urge all State to become parties to the Statute of the International Criminal Court as soon as possible;

(iv) To call on all States who have not yet set at least 18 years the minimum age for all forms of recruitment and participation in hostilities, to reconsider their existing laws and practices with a view to (a) ensuring that they are in a position to guarantee that no peacekeepers provided to the United Nations will be below the 18-year minimum age prescribed by the United Nations Secretary-General, and preferably that they will not be below 21; and (b) reviewing the perceived need to recruit and use persons under the age of 18 in military service and its compatibility with the current thinking and developing standards in relation to the protection of children.

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